



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,792	11/17/2003	Jay Novak	LA-7252-106.US/10311473	4550
58688	7590	08/07/2006	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ LLP			AYRES, TIMOTHY MICHAEL	
P.O. BOX 2207			ART UNIT	
WILMINGTON, DE 19899			PAPER NUMBER	
			3637	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,792

Applicant(s)

NOVAK, JAY

Examiner

Timothy M. Ayres

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,8,10-12,14-26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-26 and 28-32 is/are allowed.
- 6) ☒ Claim(s) 7,8,10-12 and 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

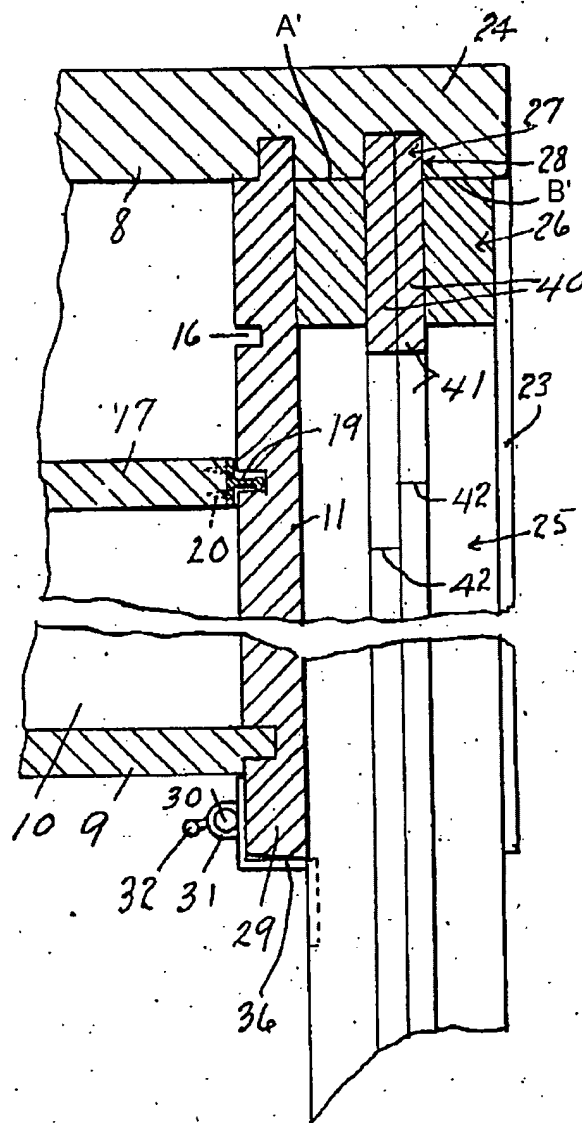
Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/29/06 has been entered.

Claim Rejections - 35 USC § 102

2. Claims 7, 10,11,14-16,18,19, and 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent 2,404,182 to Kump. Kump '182 discloses a support member (25, 26,27, A', B') made of plywood (col. 4, line 12-29). It is inherent that plywood is made up of a plurality of wood plies, wherein each ply is joined to at least one other ply at one of a plurality of interfaces and each ply has a grain, which is oriented in a different direction relative to grains of adjacent plies. Kump '182 refers to a previous application and later U.S. Patent 2,413,145 to himself, which discloses the type of standard plywood he uses (Kump '145, Col. 1, line 18-23). For most plywood the different direction is generally orthogonal which provides the most strength. The support member (25, 26,27, A', B') has a tenon portion (27) atop a body portion (25,26), the tenon portion (27) extending outwardly from the unitary body portion (25,26) as best seen in figure 2 below. The body portion (25,26) is the only structure supporting the tenon portion.

3. Regarding claims 7, 11, and 15, the interfaces are generally parallel along a longitudinal direction of the support member (25, 26, 27, A', B') as best seen in figures 1 and 2. The tenon portion (27) is now the first tenon portion (27). An outwardly extending second tenon portion (A', B') as seen below in figure 2. The first tenon portion (27) and the body portion (25, 26) have approximately the same widths.



Kump '182 Figure 2

4. Regarding claims 15 and 16, the support member (25, 26,27, A',B') is part of a table (8). A top (24) having at least one mortise (28) on one side thereof into which at least the first tenon portion (27) of each leg (25, 26,27, A', B'). Wherein each mortise (28) is formed to compliment at least the first tenon portion (27) and second portion (A', B') of each leg (25, 26,27, A', B'), respectively.
5. Regarding claims 10, 14, and 18, a foot protector (45) disposed about a foot portion of the support member (25, 26,27, A', B'), the foot portion being on an opposite side of the body portion (25, 26) from the tenon portion (27) as best seen in figure 1.
6. Regarding claims 5, 9, 13, and 21, the second tenon portion (A', B') extends outwardly from at least two sides of the body portion (26).

Claim Rejections - 35 USC § 103

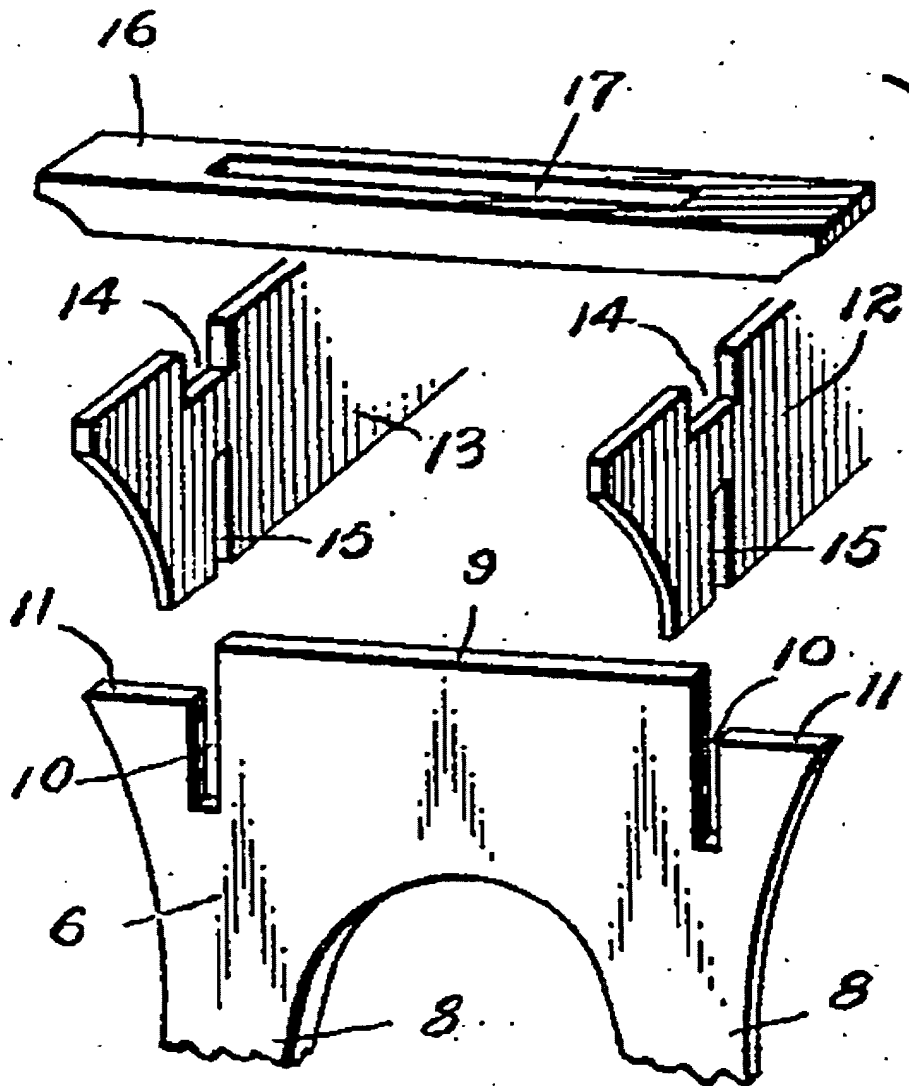
7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7, 11, 15-17, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 1,645,336 to McGlothern in view of US Patent 3,300,245 to Rumble. McGlothern '336 discloses a table with a top (5) that is supported by support members/legs (6,7). Each support member has a unitary body portion (8) with a first tenon portion (9) on top and two outwardly extending second tenon portions (11). The

Art Unit: 3637

body portion being the only structure supporting the tenon portions. The first tenon portion fits in a mortise (17) on a locking member (16), which supports the table. The tenon portions and the body portions are similar proportioned in that they are made from the same piece of lumber with the same width.

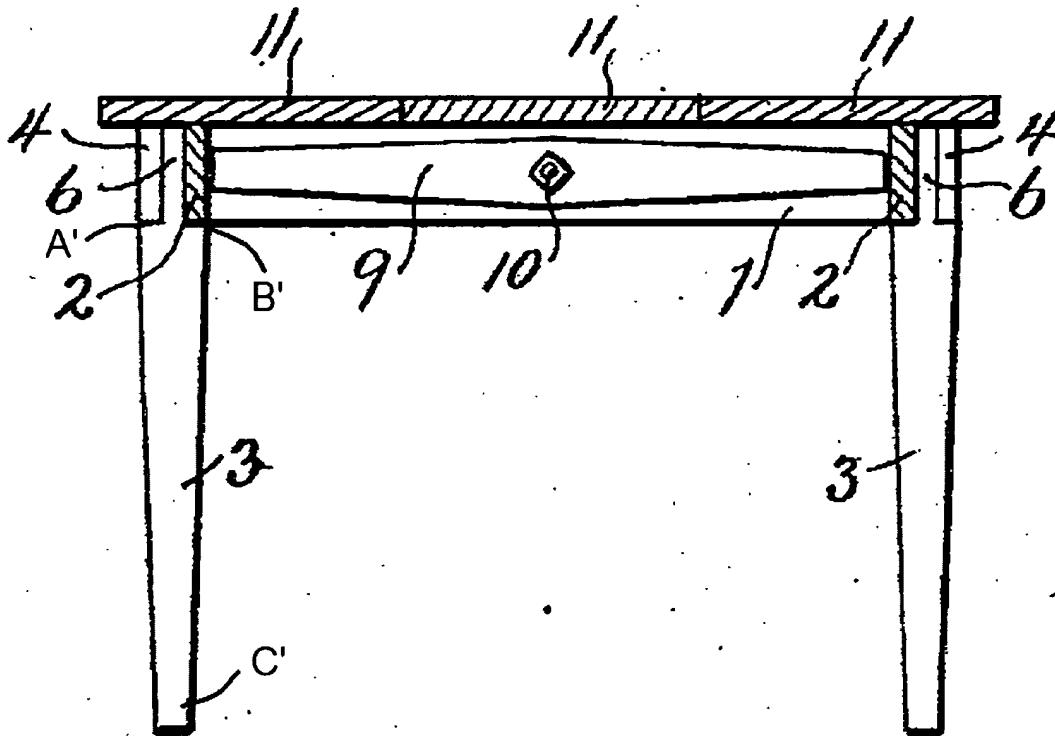


McGlothern ' 336 Figure 4

Art Unit: 3637

9. McGlothern does not expressly disclose the support member made from a plurality of plies (plywood) and the first tenon portion extending into a mortise on and through the tabletop. Rumble '245 discloses a picnic table made from plywood. The support members have a tenon (14) that corresponds to mortise (9) that extends through table (1). The tenon (14) has plies that are orthogonal to the plies of the table (1). At the time of the invention it would have been obvious for a person of ordinary skill to take the table of McGlothern and make the mortise extend through the table like Rumble's table so that the support member is more secure and be made of plywood since it is well known to substitute plywood for solid stock lumber for economic reasons.

10. Claims 8, 12, and 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2404,182 to Kump in view of U.S. Patent 740,846 to Giddings. Kump '182 discloses every element as described above except the second tenon portion of each leg extends outwardly by a distance that is at least as great as a width of the body portion. Giddings '846 discloses a table (11) with legs (3) with a first tenon portion (6) atop a body portion (C'). Second tenon portion (A', B') extends outwardly by a distance that the same as the width of the body portion (C') because of the taper in the leg (3).



Giddings '846 Figure 2

11. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the table and support assembly of Kump and modify the legs with the taper of Giddings to make it more aesthetically pleasing.

12. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2404,182 to Kump in view of U.S. Patent 3,300,245 to Rumble. Kump '182 discloses every element as described above except that each mortise extends through the top. Rumble '245 discloses a picnic table made from plywood. The support members have a tenon (14) that corresponds to mortise (9) that extends through table (1). At the time of the invention it would have been obvious for a person of ordinary skill

to take the table of Kump and make the mortise extend through the table like Rumble's table so that the support member is more secure.

Allowable Subject Matter

13. Claims 22-26 and 28-32 are allowed.

Response to Arguments

14. Applicant's arguments filed 3/29/06 have been fully considered but they are not persuasive. "Single pillar" is considered to mean single vertical column or support. There isn't any limitation in that phrase or the claim to mean that the support member or body portion in particular cannot be a single vertical U-shaped column or any other shaped support. To help further prosecution, if the applicant could figure out a way of saying that the body portion cannot be u-shaped, the examiner does not consider this limitation to provide any novelty to the claims and as an example it would be obvious for one of ordinary skill in the art to modify the structure of McGlothorn by filling in the portion between the legs and hence making a larger body portion with a single contact point on the ground while still having all the limitations as currently claimed.

Conclusion

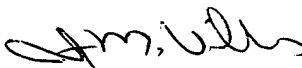
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

Art Unit: 3637

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TMA
7/31/06



JANET M. WILKENS
PRIMARY EXAMINER

Art Unit 3637